

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

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Testimony of SUZANNE D. CASE Chairperson

Before the House Committee on WATER, LAND, & HAWAIIAN AFFAIRS

Wednesday, January 29, 2020
10:00 AM
State Capitol, Conference Room 325

In consideration of HOUSE BILL 1924 RELATING TO SEARCH AND RESCUE

House Bill 1924 proposes to require government entities that engage in search and rescue operations to seek reimbursement when the rescued person required search and rescue efforts because that person acted in disregard of that person's safety, including intentionally disregarding a warning or notice. The proposal increases the penalty for unlawfully entering or remaining on a trail that has been closed to the public. **The Department of Land and Natural Resources (Department) supports this measure with comments.**

The Department is in support of any strategy that will incentivize the general public to stay within authorized managed areas and already has statutory penalties for violation of laws and rules adopted specifically for going into closed areas. While these penalties are in place, absent enforcement and citations, they are clearly not a deterrent.

It should be noted that it is a County responsibility to engage in search and rescue activities and the Department defers to the Counties Fire and Rescue agencies in regard to the charging of people for rescue. While this may be an incentive for people to obey the rules, it could also discourage people from calling for help.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
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January 27, 2020

TO: The Honorable Ryan I. Yamane, Chair
House Committee on Water, Land, and Hawaiian Affairs

FROM: Tamara Paltin, Councilmember for West Maui
Maui County Council

SUBJECT: **HEARING OF JANUARY 29, 2020; COMMENTS ON HB 1924,
RELATING TO SEARCH AND RESCUE**

Thank you for the opportunity to offer **comments** on this important measure. The purpose of this bill requires government entities to seek reimbursement for search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this support in my capacity as an individual member of the Maui County Council.

Recognizing, as a former first responder and current councilmember, the monetary costs incurred by search and rescue attempts, I understand the intent of this measure. I agree that costs should be reimbursed when individuals knowingly disregard posted warnings, thereby taxing our rescue resources, and that the reimbursement may be used as a deterrent, however, it may also lead to unintended consequences that could lead to more cost and greater utilization of rescue resources when individuals wait too long to call for fear of financial retribution. In order for this bill to have weight, further enforcement of off-limit hiking trails, signage regarding dangerous paths, and increased public education should be implemented with the highest priority.

Thank you, once again, for the opportunity to testify and for your consideration.

HB-1924

Submitted on: 1/26/2020 6:42:36 PM

Testimony for WLH on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

I support HB1924.

HB-1924

Submitted on: 1/25/2020 12:59:28 PM

Testimony for WLH on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kenneth R. Conklin, Ph.D.	Individual	Support	No

Comments:

Anyone who enters private or government property without permission, when the property is clearly posted with "no trespassing" signage or has fences or locked gates in lieu of such signage, should be held solely responsible for their own safety and should be liable for any injury to themselves or damage to themselves or to their own property or any property of the owner. Furthermore, the trespasser should be liable to pay their own attorney fees and court costs, as well as the fees and costs borne by the owner, in case trespasser brings an unsuccessful lawsuit for damages; unless trespasser is found to be indigent.

The concept of "attractive nuisance" should be abolished as a legal defense in the case of any adult trespasser; and also in the case of any juvenile trespasser who is capable of reading signage and who is not cognitively impaired.

HB-1924

Submitted on: 1/28/2020 8:41:04 AM

Testimony for WLH on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rosie F Davis	Individual	Support	No

Comments:

I SUPPORT HB1924 SEARCH AND RESCUE.

Hiking Trails; Search and Rescue; Closed to the Public; Trespassing; Penalty; Department of Land and Natural Resources

To have government entities seek reimbursement for search and rescue expenses for persons who require rescue after leaving a hiking trail to enter a prohibited area or hiking on a trail closed to the public. Thank you for your support on HB924

HB-1924

Submitted on: 1/28/2020 10:32:08 AM

Testimony for WLH on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Solene Duvauchelle	Individual	Support	No

Comments:

I am in support of HB1922, DLNR Invasive Species; County of Maui Appropriations to support funds to DLNR for efforts to substantially reduce and eradicate certain invasive species in the county of Maui.

HB-1924

Submitted on: 1/28/2020 12:11:03 PM

Testimony for WLH on 1/29/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Faith Tuipulotu	Individual	Support	No

Comments: